

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Shannon Ramsay,

NO. C 07-03645 JW

Plaintiff,

v.

The State Bar of California, et al.,

Defendants.

**ORDER GRANTING ATTORNEY JOHN
A. SHEPARDSON'S MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD FOR PLAINTIFF SHANNON
RAMSAY**

Shannon Ramsay ("Plaintiff") brings this action against the State Bar of California ("Defendant") for alleged violation of the Americans with Disabilities Act, 42 U.S.C. § 12101. Plaintiff alleges she was discriminated against during administration of the California Bar Examination. Presently before the Court is Attorney John A. Shepardson's Motion to Withdraw as Attorney of Record for Plaintiff Shannon Alynn Ramsay. (hereafter, "Motion," Docket Item No. 33.) The Court found the motion appropriate for submission without oral argument. See Civ. L. R. 7-1(b).

In a civil case, counsel may not withdraw from an action until relieved by order of the Court. See Civ. L. R. 11-5. Rule 3-700(C) of the California Rules of Professional Conduct provides that a lawyer may withdraw from representing a client where, among other things, (1) the client breaches an agreement with or obligation to the member as to expenses or fees, or (2) other conduct renders it unreasonably difficult for the lawyer to carry out the employment effectively. Rule 3-700(C)(1)(d), (f).

1 In this case, Attorney Shepardson alleges that Plaintiff has failed to pay attorney fees as
 2 required by their written fee agreement. (Motion at 3.) He further alleges that there has been a
 3 complete breakdown in the attorney-client relationship due to the involvement of Mr. Ramsay,
 4 Plaintiff's father, in this action.¹ (Id.) Attorney Shepardson contends that his ability to effectively
 5 represent Plaintiff's interests have been irreparably impaired due to Mr. Ramsay's continued
 6 accusations that Attorney Shepardson behaved unethically. (Motion at 4.)

7 Plaintiff alleges that Attorney Shepardson obtained her signature on certain declarations by
 8 placing her under "great pressure."² Plaintiff further alleges that Attorney Shepardson has prepared
 9 declarations for her without her input. (Plaintiff's Response at 1.) Plaintiff concedes that her
 10 relationship with Attorney Shepardson is "broken." (Id. at 2.)

11 Since there is no right to counsel in civil cases³ and the attorney-client relationship is usually
 12 an economic relationship, the Court finds that Plaintiff's alleged failure to pay legal fees is sufficient
 13 ground to grant Attorney Shepardson's motion to withdraw. In addition, Plaintiff's
 14 acknowledgment that the attorney-client relationship is "broken" solidifies Attorney Shepardson's
 15 contention that he can no longer effectively represent Plaintiff.

16 Accordingly, the Court GRANTS Attorney Shepardson's motion to withdraw as counsel of
 17 record. The Court stays all currently scheduled filing deadlines in the case for thirty (30) days to
 18 give Plaintiff sufficient time to find substitute counsel. Attorney Shepardson shall remain as counsel
 19 of record for thirty (30) days for the purposes of receiving and providing legal documents until there
 20 is identification of substitute counsel. On or before **April 14, 2008**, Plaintiff shall file a Notice of

23 ¹ The Court has previously addressed Plaintiff's father's actions. (See Docket Item No. 24.)

24 ² (Response to Attorney John Shepardson's Points and Authorities in His Notice of Motion
 25 to Withdraw as Attorney of Record for Plaintiff Shannon Alynn Ramsay at 1, hereafter, "Plaintiff's
 26 Response," Docket Item No. 38.)

27 ³ See Arco Environmental Remediation, L.L.C. v. RDM Multi-Enterprises, Inc., 166 Fed.
 28 Appx. 929, 930 (9th Cir. 2006).


1 Intent to Self-Represent or Notice of Identification of Substitute Counsel. Attorney Shepardson
2 shall send Plaintiff a copy of this Order.

3 The Court set a Further Case Management Conference for **May 5, 2008 at 10 A.M.**

4 Pursuant to the Civil Local Rules of Court, the parties shall meet and confer and file a Joint Case
5 Management Statement on or before **April 25, 2008.**

6 In light of this Order, the hearing presently scheduled for **March 17, 2008** is VACATED.
7

8 Dated: March 12, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 John Arthur Shepardson johnshepardson@hotmail.com
3 Michael John von Loewenfeldt mvl@kerrwagstaffe.com

4 **Dated: March 12, 2008**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**
8 **Courtroom Deputy**

United States District Court

For the Northern District of California

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